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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 **ANNE HEITING, an**
13 **individual**

14 Plaintiff,

15 v.

16 **FKA DISTRIBUTING CO., a**
California company, DOES 1
17 **through 25, inclusive**

18 Defendant.
19

Case No. 2:24-cv-07314-HDV-AGR

**DEFENDANT FKA DISTRIBUTING
CO.'S MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
OF ITS MOTION TO DISMISS
PLAINTIFF'S AMENDED
COMPLAINT**

[Notice of Motion and Motion to
Dismiss filed concurrently]

Judge: Hon. Hernan D. Vera

Date: January 16, 2025

Time: 10:00 AM

Location: First Street Courthouse,
350 W. 1st Street, Courtroom 5B,
5th Floor, Los Angeles, CA
90012

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3 California Penal Code § 638.51 1, 3, 4, 7, 8, 9, 10, 13, 14

Defendant FKA Distributing Co. d/b/a Homedics respectfully submits this Memorandum of Points and Authorities in support of its Motion to Dismiss Plaintiff Anne Heiting's Amended Class Action Complaint.

I. INTRODUCTION

Plaintiff Anne Heiting ("Plaintiff") brings a single cause of action against Defendant FKA Distributing Co. d/b/a Homedics ("Homedics" or "Defendant") under California's Trap and Trace Law, California Penal Code § 638.51, alleging that Homedics unlawfully installed and used TikTok's tracking software on its website without obtaining a court order or Plaintiff's consent. Plaintiff's Amended Class Action Complaint is fundamentally flawed and fails to state a claim upon which relief can be granted for several reasons.

First, the TikTok tracking software alleged in the Amended Class Action Complaint does not constitute a "trap and trace device" under California Penal Code § 638.50(c). The statute defines a "trap and trace device" narrowly, focusing on devices or processes that capture incoming impulses to identify the source of a communication, such as telephone numbers of incoming calls. The software at issue collects standard web analytics data, which is commonplace in modern websites and does not fit within the statutory definition.

Second, Homedics, as the operator of its own website and a party to any communications occurring thereon, cannot be liable under § 638.51. The Trap and Trace Law is intended to prevent third parties from surreptitiously capturing identifying information without authorization, not to prohibit website operators from collecting data from interactions on their own websites.

Third, Plaintiff fails to allege that they suffered any injury or damages as a result of the alleged conduct. California Penal Code § 637.2 requires that a Plaintiff be "injured" by a violation to recover damages. Plaintiff's vague and conclusory allegations do not meet this requirement.

1 Fourth, Plaintiff consented to the data collection practices by using Homedics’
2 website, which provides notice of its data collection and privacy practices in its
3 Privacy Policy. Consent is a complete defense to claims under California’s Invasion
4 of Privacy Act (“CIPA”), including the Trap and Trace Law.

5 For these reasons, and as further explained below, the Court should dismiss
6 Plaintiff’s Amended Class Action Complaint in its entirety.

7 II. FACTUAL BACKGROUND

8 Homedics is a company that sells merchandise related to health and wellness
9 through its website, <https://www.homedics.com> (the “Website”). (Compl. ¶¶ 5, 8.)
10 Plaintiff alleges that as part of its marketing efforts, Homedics has integrated
11 software provided by TikTok into its Website. (*Id.*) The TikTok software allegedly
12 allows Homedics to “learn the location, source, and identity of consumers who
13 happen to land on their website.” (*Id.* ¶ 11.)

14 Plaintiff alleges that on March 4, 2024, they visited Homedics’ Website. (*Id.*
15 ¶ 2.) Plaintiff claims that, without their knowledge or consent, Homedics deployed
16 a “de-anonymization process” using the TikTok software to identify her by
17 collecting electronic impulses generated from her device. (*Id.*) Plaintiff alleges that
18 the TikTok software acts via a process known as “fingerprinting,” which “collects
19 as much data as it can about an otherwise anonymous visitor to the Website and
20 matches it with existing data TikTok has acquired and accumulated about hundreds
21 of millions of Americans.” (*Id.* ¶ 9.)

22 Specifically, Plaintiff alleges that the TikTok software gathers device and
23 browser information, geographic information, referral tracking, and URL tracking
24 by running code or “scripts” on the Website to send user details to TikTok. (*Id.* ¶
25 13.) Plaintiff further alleges that Homedics uses TikTok’s “AutoAdvanced
26 Matching” technology, which scans the Website for information such as name, date
27 of birth, and address, and sends this information to TikTok. (*Id.* ¶ 14.)

1 Plaintiff contends that the TikTok software is a “trap and trace device” as
2 defined by California Penal Code § 638.50(c) because it “captures the incoming
3 electronic or other impulses that identify the originating number or other dialing,
4 routing, addressing, or signaling information reasonably likely to identify the source
5 of a wire or electronic communication.” (*Id.* ¶ 14.) Plaintiff alleges that Homedics
6 violated § 638.51 by installing and using the TikTok software without obtaining a
7 court order or her consent. (*Id.* ¶¶ 19, 27.)

8 Based on these allegations, Plaintiff asserts a single cause of action for
9 violation of the California Trap and Trace Law, California Penal Code § 638.51. (*Id.*
10 ¶¶ 26-30.)

11 III. LEGAL STANDARD

12 A motion to dismiss under Rule 12(b)(6) tests the legal sufficiency of the
13 claims asserted in the complaint. *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir.
14 2001). To survive a motion to dismiss, a complaint must contain sufficient factual
15 matter, accepted as true, to “state a claim to relief that is plausible on its face.” *Bell*
16 *Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is plausible on its
17 face when the plaintiff pleads factual content that allows the court to draw the
18 reasonable inference that the defendant is liable for the misconduct alleged. *Ashcroft*
19 *v. Iqbal*, 556 U.S. 662, 678 (2009).

20 The Court is not required to accept as true “allegations that are merely
21 conclusory, unwarranted deductions of fact, or unreasonable inferences.” *Sprewell*
22 *v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001). Legal conclusions
23 couched as factual allegations are not sufficient to state a claim. *Iqbal*, 556 U.S. at
24 678.

IV. ARGUMENT

A. Plaintiff Fails To State A Claim Under The California Trap And Trace Law

Plaintiff's sole cause of action alleges that Homedics violated California Penal Code § 638.51 by installing and using a "trap and trace device" without obtaining a court order or her consent. (Compl. ¶¶ 26-30.) This claim fails for multiple independent reasons.

1. The TikTok Software Is Not a "Trap and Trace Device" Under the Statute

California Penal Code § 638.50(c) defines a "trap and trace device" as: "[A] device or process that captures the incoming electronic or other impulses that identify the originating number or other dialing, routing, addressing, or signaling information reasonably likely to identify the source of a wire or electronic communication, but not the contents of a communication."

The statute is intended to address devices or processes that capture incoming information to identify the source of communications, such as telephone numbers of incoming calls, without capturing the content of the communications. The legislative history indicates that the purpose of the statute is to prevent unauthorized surveillance using devices that monitor incoming communications to identify the source, particularly in the context of telephone communications. *See* California Senate Bill No. 1667 (1988) (Ex. B).

The TikTok software alleged in the Amended Class Action Complaint does not fit within this statutory definition. Plaintiff alleges that the software collects device and browser information, geographic information, referral tracking, and URL tracking. (Compl. ¶¶ 11, 15.) But, this type of data is commonly collected by websites for analytics, advertising, and improving user experience. They do not constitute "incoming electronic or other impulses" that identify the "originating

1 number or other dialing, routing, addressing, or signaling information” as
2 contemplated by § 638.50(c).

3 Courts have recognized that similar data collection practices do not involve
4 “trap and trace devices” under the statute. In *Garcia v. Build.com, Inc.*, No. 22-cv-
5 01985-DMS-KSC, 2023 WL 4535531 (S.D. Cal. July 13, 2023), the court dismissed
6 a CIPA claim alleging that the defendant used session replay software to monitor
7 website visitors. The court concluded that the session replay software did not meet
8 the statutory definition of a “trap and trace device.” Specifically, the court noted that
9 the software in question did not capture incoming impulses identifying the source of
10 a communication, as required by the statute. Instead, it merely allowed the defendant
11 to monitor its own communications with website visitors, which is not prohibited
12 under California Penal Code § 631(a) when the defendant is a party to the
13 communication. The court emphasized that a party to a conversation cannot
14 eavesdrop on its own conversation. *Id.* at *8-*12.

15 The court also distinguished *Garcia* from other cases where third-party
16 software vendors were found liable as independent eavesdroppers, noting that in
17 such cases, the third parties collected data for their own purposes. Here, the Plaintiff
18 fails to plausibly allege that the third-party vendors, such as TikTok, were acting as
19 independent eavesdroppers. Instead, the vendors were merely providing a tool for
20 the Homedics to monitor its own data, which does not constitute eavesdropping
21 under the statute.

22 Similarly, in *In re Google Inc.*, No. 13-MD-02430-LHK, 2013 WL 5423918
23 (N.D. Cal. Sept. 26, 2013), the court dismissed claims under the federal Wiretap Act
24 and CIPA, finding that the alleged interception of email content for advertising
25 purposes did not involve devices designed to intercept communications in transit.
26 Analysis of CIPA violations is the same as the analysis for the federal Wiretap Act.
27 *Saleh v. Nike, Inc.*, 562 F. Supp. 3d 503, 517 (C.D. Cal. 2021).

1 In this case, the TikTok software's collection of device and browser
2 information involves information voluntarily transmitted by the user's browser when
3 visiting a website. This data is not captured by intercepting incoming
4 communications but is provided by the user's own device as part of the standard
5 operation of web browsing. The software does not "capture[] the incoming electronic
6 or other impulses" in the manner required by § 638.50(c).

7 In *Graham v. Noom, Inc.*, 533 F. Supp. 3d 823, 833 (N.D. Cal. 2021), the
8 court dismissed allegations that are solely "predicated on non-content information."
9 See *Yoon v. Lululemon USA, Inc.*, 549 F. Supp. 3d 1073, 1082-83 (C.D. Cal. 2021)
10 (dismissing claims as customer's keystrokes, mouse clicks, pages viewed, shipping
11 and billing information, and internet protocol (IP) address does not constitute
12 "content" under CIPA). These courts have explicitly held that allegations about "the
13 date and time of the visit, the duration of the visit, Plaintiff's IP address, her location
14 at the time of the visit, her browser type, and the operating system of her device" are
15 not "contents" for the purposes of CIPA. The term "contents" is not intended to
16 include record information, such as the name, address, or subscriber information of
17 a website user. *In re Zynga Privacy Litigation*, 750 F.3d 1098, 1106 (9th Cir. 2014).

18 The court's reasoning in these cases applies equally to the TikTok software
19 alleged to be used by Homedics. Just as in *Garcia* and *Graham*, the allegation is that
20 the TikTok software collects non-content information, such as device and browser
21 details, geographic data, and referral tracking. These data points do not constitute
22 the interception of the *contents* of communications, as they are merely technical
23 details transmitted by the user's device in the course of normal web browsing. The
24 software is used by Homedics for its own analytics and marketing purposes, and
25 there are no allegations that TikTok was acting as an independent eavesdropper
26 collecting data for its own use.

Moreover, as in *In re Google Inc.*, the collection of such non-content information for advertising or analytics purposes does not transform these activities into wiretapping or the use of a “trap and trace device” under CIPA. The TikTok software used by Homedics does not intercept incoming impulses or capture information that identifies the originating source of communications. Rather, it collects standard browser data that is voluntarily shared by the user’s device when interacting with the Homedics Website. This distinction is crucial because § 638.50(c) of CIPA clearly targets devices designed to capture the source of a communication, which does not include typical website analytics tools like TikTok’s software.

Thus, the Plaintiff’s allegations fail to meet the statutory requirements of CIPA, as the TikTok software used by Homedics does not capture the type of information contemplated by the “trap and trace” provisions, nor does it involve the interception of the *contents* of any communication. Courts have consistently dismissed similar claims when plaintiffs fail to allege that content or identifiable source information has been captured in violation of CIPA, further supporting the dismissal of the claims in this case.

2. Homedics, as a Party to the Communications, Cannot Be Liable Under § 638.51

Even if the TikTok software could be considered a “trap and trace device” (which it cannot), Homedics cannot be liable under § 638.51 because it is a party to the communications occurring on its own Website.

California Penal Code § 638.51(a) provides “[e]xcept as provided in this section, a person may not install or use a pen register or trap and trace device without first obtaining a court order pursuant to Section 638.52.”

The statute is intended to prevent unauthorized interception by third parties, not to prohibit parties to a communication from recording or collecting data about their own communications. However, “[s]oftware vendors . . . are ‘extension[s]’ of

1 the websites that employ them, and thus not third parties within the meaning of the
2 [CIPA].” *Javier v. Assurance IQ, LLC*, 649 F. Supp. 3d 891, 899 (N.D. Cal. 2023)
3 (citing *Graham*, 533 F. Supp. 3d at 832). This principle is also well-established in
4 cases interpreting similar statutes, such as California Penal Code § 631(a), which is
5 part of the same statutory scheme as CIPA.

6 In *Ribas v. Clark*, 38 Cal. 3d 355 (1985), the California Supreme Court held
7 that § 631(a) prohibits third parties from eavesdropping on communications but does
8 not prohibit a party to a communication from recording it. *Id.* at 359. The court
9 explained that “section 631 was aimed at one aspect of the privacy problem . . . the
10 secret monitoring of conversations by third parties.” *Id.*

11 Similarly, in *Konop v. Hawaiian Airlines, Inc.*, 302 F.3d 868 (9th Cir. 2002),
12 the Ninth Circuit held that a party to a communication cannot be liable under the
13 federal Wiretap Act for intercepting or recording that communication.

14 Applying this principle, courts have dismissed claims under CIPA where the
15 defendant was a party to the communication. In *Graham v. Noom, Inc.*, 533 F. Supp.
16 3d 823 (N.D. Cal. 2021), the court dismissed a § 631(a) claim against a website
17 operator who used third-party software to record user interactions on its website.
18 The court held that the website operator was a party to the communications and
19 therefore could not be liable under CIPA. *Id.* at 832.

20 In the present case, Homedics is the operator of the Website that Plaintiff
21 visited. Any data collected during Plaintiff’s visit was part of the communication
22 between Plaintiff and Homedics. Homedics, as a party to that communication,
23 cannot be liable under § 638.51 for installing or using a device to record or collect
24 data from its own communications.

25 Moreover, the TikTok software is used by Homedics as a tool to analyze and
26 understand user interactions on its Website. Courts have recognized that the use of
27 third-party software services as tools to record or analyze a company’s own data

1 does not give rise to liability under CIPA. *See Graham*, 533 F. Supp. 3d at 832;
2 *Garcia*, 2023 WL 4535531, at *5. “[The] [p]laintiff must provide facts suggesting
3 that [the software companies] are recording [the] [d]efendant’s customers’
4 information for some use or potential future use beyond simply supplying this
5 information back to [the] [d]efendant.” *Cody v. Bosco’s, Inc.*, 658 F. Supp. 3d 779,
6 782 (C.D. Cal. 2023). “[Using] a third-party vendor to ‘record and analyze its own
7 data in aid of [Defendant]’s business,’ not the ‘aggregation of data for resale,’ which
8 makes the third-party an ‘extension’ of Defendant’s website, not a ‘third-party
9 eavesdropper.’” *Byars v. Hot Topic, Inc.*, 656 F. Supp. 3d 1051, 1067 (C.D. Cal.
10 2023). There is no allegation that TikTok “acted sufficiently independent from
11 Defendant as [required] to constitute an unannounced auditor under California law.”
12 *Licea v. Cinmar, LLC*, 659 F. Supp. 3d 1096, 1109 (C.D. Cal. 2023)

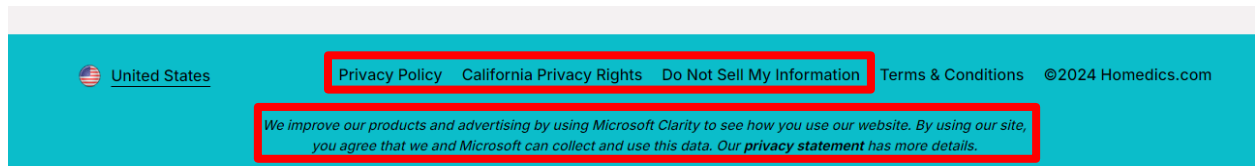
13 Homedics cannot be held liable under § 638.51 for its own use of data
14 collected from communications to which it is a party. Courts recognize that when a
15 company uses third-party tools, like software, to collect data from communications
16 between the company and its users, the third-party vendor is merely acting as an
17 extension of the company itself, not as a third-party eavesdropper. Without a clear
18 and plausible allegation that the third-party vendor independently intercepted,
19 stored, or used the data for purposes other than to serve the company, the claim
20 cannot succeed under the law. This established principle applies directly to
21 Homedics, which, as a party to the communication, is merely collecting data from
22 its interactions with users on its own Website. Thus, Homedics’ use of third-party
23 software for analyzing user interactions does not trigger liability under § 638.51 or
24 any related provision of CIPA.

3. Plaintiff Consented to the Alleged Data Collection

Plaintiff's claim also fails because they consented to the data collection practices by using Homedics' Website, which provides notice of its data collection and privacy practices in its Privacy Policy (attached hereto as *Exhibit A*).

Consent is a complete defense to claims under CIPA. California Penal Code § 631(a) prohibits interception "without the consent of all parties to the communication." Similarly, § 638.51 allows for the use of a trap and trace device with the consent of the user.

As shown below Homedics' Website provides users with conspicuous notice of its Privacy Policy.



Homedics informs users that the Website collects certain information about visitors, including device information, browsing actions, and usage patterns, for purposes such as analytics, advertising, and improving user experience. The Privacy Policy explains that Homedics uses third-party services for these purposes. *See* excerpts from *Exhibit A* below:

Personal Information we Collect

FKA Brands may collect the following category of personal data:

- **Identifiers** (Name, Email Address, Phone Number, and Postal Address)
- **Online Identifiers** (Cookies and similar technology)
- **Commercial Information** (Products you have ordered or considered, payment information, as well as your purchasing history)

With Whom your Personal Information is Shared

The personal data may be shared with other FKA Brands business units. They will protect your personal information in accordance with the FKA Brands Customer Privacy Policy. FKA Brands also works with other companies that help us provide products and services to you, and we may provide your personal information to these companies.

Homedics also provides users with the “Right to Request Disclosure and Deletion” and “Right to Request Opt-Out of Sale.” *Id.* By accessing and using the Homedics’ Website, Plaintiff consented to the terms of the Privacy Policy. Courts have held that a user’s consent to a website’s privacy policy bars claims under statutes prohibiting unauthorized interception or use of communications. *See In re Google Assistant Privacy Litig.*, 457 F. Supp. 3d 797, 819 (N.D. Cal. 2020) (dismissing CIPA claims where plaintiffs consented to data collection through privacy policy). Further, “under California law, the plaintiff bringing a CIPA claim has the burden to prove that the defendant lacked consent.” *Reyes v. Educ. Credit Mgmt. Corp.*, 773 Fed. App’x 989, 990 n.1 (9th Cir. 2019).

Plaintiff does not allege that they were unaware of the Privacy Policy or that Homedics misrepresented its data collection practices. In fact, Plaintiff’s allegations suggest that they are aware that websites commonly collect such data. (Compl. ¶¶

11-14.) Therefore, Plaintiff's claim fails because they consented to the alleged data collection practices.

4. Plaintiff Fails to Allege Any Injury or Damages

California Penal Code § 637.2 provides a private right of action for violations of CIPA, allowing a plaintiff who has been "injured by a violation" to recover damages. Courts have interpreted this to require that a plaintiff allege actual injury resulting from the alleged violation. In *Rodriguez v. Fountain9, Inc.*, 2024 WL 3886811, at 4 (Cal. Super. July 9, 2024), the court reaffirmed that a plaintiff cannot satisfy CIPA's statutory standing requirement without alleging a "concrete injury-in-fact." The court specifically held a CIPA claim where the plaintiff's injury was purely hypothetical and based solely on statutory damages, emphasizing that the mere collection of an IP address without further harm was insufficient. Citing *TransUnion LLC v. Ramirez*, 141 S. Ct. 2190, 2199 (2021), the court stressed that there was "no concrete harm, no standing," aligning CIPA claims with federal standing principles that reject claims based on bare statutory violations. This standard negates any attempt to bring a CIPA claim grounded solely in the loss of privacy or control over personal information without further demonstrable harm.

Plaintiff's Amended Class Action Complaint is devoid of any allegations of actual injury or damages resulting from Homedics' alleged conduct. Plaintiff does not allege that any of their personal information was misused, or that they suffered any economic loss, or that they were harmed in any way.

In *Doe v. Meta Platforms, Inc.*, No. 22-cv-03580-WHO, 2023 WL 5837443 (N.D. Cal. Sept. 7, 2023), the court dismissed privacy-related claims, due to the plaintiffs' failure to allege a specific, cognizable injury. The court noted that the mere loss of privacy or control over personal information, without more, was insufficient to support those claims.

1 Therefore, Plaintiff's failure to allege any injury or damages is an additional
2 ground for dismissal. Even if Plaintiff could demonstrate a technical violation of
3 CIPA, the absence of concrete harm deprives them of the requisite standing to pursue
4 this claim. Courts have held that speculative or hypothetical injuries, such as the
5 mere collection of an IP address without further actionable harm, are insufficient to
6 sustain privacy claims under both state and federal standards. In the absence of any
7 tangible harm, Plaintiff's claim amounts to no more than an abstract grievance,
8 which is precisely the type of action that CIPA and federal standing doctrine seek to
9 preclude. Without concrete injury, Plaintiff's claim fails as a matter of law and
10 cannot survive dismissal.

11 **5. Plaintiff's Reliance on *Moody* and *Greenley* Is Misplaced**

12 Plaintiff's reliance on *Moody v. C2 Educational Systems Inc.*, No. 24-cv-
13 04249, 2024 WL 3561367 (C.D. Cal. July 25, 2024), and *Greenley v. Kochava, Inc.*,
14 No. 22-cv-01327, 2023 WL 4833466 (S.D. Cal. July 7, 2023), is misplaced. (*See*
15 *Compl.* ¶¶ 18, 30.) This Court should decline to follow these decisions.

16 In *Moody*, the court incorrectly held that software capturing information from
17 a plaintiff's device on a defendant's website constitutes an illegal use of a trap and
18 trace device under section 638.51. *See* 2024 WL 3561367, at *1. The court's analysis
19 is critically flawed. First, its statutory interpretation disregarded the legislative
20 history of sections 638.50-53, which explicitly limits trap and trace devices to
21 telephones. By extending section 638.51 to website technologies, the court's
22 decision undermines the California Consumer Privacy Act (CCPA) and disregards
23 relevant public policy implications. Second, in addressing consent, the court
24 mistakenly suggested that website visitors must consent to the website's installation
25 of trap and trace devices. Such reasoning would render common technologies like
26 Caller ID illegal unless a telephone company obtained universal consent from all
27 potential callers—a conclusion contradicting the Federal Communications

Commission’s (FCC) guidance and numerous state supreme court rulings.¹ Third, the court erred in determining that a device capturing both record and content information could still be classified as a trap and trace device under section 638.50. These deficiencies make *Moody* an unreliable precedent.

Greenley is similarly unpersuasive. There, the court found that “a private company’s surreptitiously embedded software installed in a [plaintiff’s] telephone” could constitute a pen register under section 638.51. *See* 2023 WL 4833466, at *15. However, *Greenley* bears no resemblance to the present case, which does not involve any device installed on the plaintiff’s phone or allegations of a pen register. Further, like *Moody*, the *Greenley* court’s analysis is incomplete. It overlooked the text of sections 638.52 and 638.53 and failed to consider the legislative history, the CCPA’s scope, and the policy ramifications of its interpretation.

Both *Moody* and *Greenley* lack the rigorous statutory and policy analysis necessary to support Plaintiff’s claim. Accordingly, this Court should decline to follow them.

V. CONCLUSION

For the foregoing reasons, Homedics respectfully requests that the Court grant this Motion and dismiss Plaintiff’s Amended Class Action Complaint in its entirety. Plaintiff has failed to state a claim upon which relief can be granted, and any amendment would be futile.

¹ *See Ohio Domestic Violence Network v. PUC of Ohio*, 638 N.E.2d 1012, 1020 (Ohio 1994) (hereinafter “*Ohio Domestic*”); *S. Bell Tel. & Tel. Co. v. Hamm*, 409 S.E.2d 775 (S.C. 1991); *Wis. Pro. Police Ass’n v. PSC*, 555 N.W.2d 179 (Wis. Ct. App. 1996) (hereinafter “*Wisconsin Professional*”); *In re Rules and Policies Regarding Calling No. Identification Serv.—Caller ID*, 9 F.C.C. Rcd. 1764 (1994) (hereinafter “*FCC Decision*”).

1 DATED: November 7, 2024

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17 **CERTIFICATE OF COMPLIANCE**

18 The undersigned, counsel of record for Defendant FKA Distributing Co.,
19 certifies that this brief contains 3,899 words, which complies with the word limit of
20 L.R. 11-6.1

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